

## ROCHFORD OFF STREET PARKING ORDER

### 1 SUMMARY

- 1.1 This report provides details of representations received to proposed revisions to the Rochford Off-Street Parking Order. The revised Parking Order relates to changes agreed to the Council's parking tariff at a meeting of Council on 28 January 2014 (minute 1/2014).

### 2 INTRODUCTION

- 2.1 Any changes to the Council's parking tariff must be incorporated in a revision to the Off-Street Parking Order, which must be advertised prior to changes being implemented.
- 2.2 The revised Off-Street Parking Order reflected the changes agreed by Council on 28 January and was advertised from 19 March to 9 April. Any representations to the revised Order must be formally considered by the Council before being brought into operation.

### 3 PROPOSED CHANGES TO PARKING ORDER

- 3.1 The key changes proposed in the Parking Order following the decision on 28 January are:-

- Change to the tariff (set out below);

Charging Period	Current	Proposed
30 minutes	40p	50p
1 hour	80p	£1.00
2 hours	£1.40	£1.70
3 hours	£2.00	£2.40
4 hours	£2.40	£2.90
5 hours	£3.00	£3.60
Daily	£5.00	£5.00 (no change)

- Introduction of charges on Saturday afternoons (currently no charge after 1pm);
- Adjustment to the arrangements for charging Blue Badge holders; and
- Extend charging period in Old Ship Lane from 2 to 4 hours.

- 3.2 A total of 16 representations were received to the parking order, which raised the following issues:

- Object to the introduction of charges on Saturday afternoons (13) – consider there will be a negative impact on trading; and
- Currently 'tax exempt' Blue Badge holders should not be charged for car parking (7).

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**4 DISCUSSION – BLUE BADGE CHANGES**

- 4.1 At present Blue Badge holders, except those with a road tax exemption, pay for car parking.
- 4.2 Recent Department for Transport (DfT) guidance suggests that Local Authorities may be in breach of the Equalities Act 2010 if they offer free parking to blue badge holders who are in receipt of the higher rate Disability Living Allowance (DLA) but charge all other blue badge holders, as is the case in Rochford's car parks.
- 4.3 Whilst accepting that charges in off-street car parks is a matter for the relevant Local Authority, the DfT do not believe that badge holders should be treated differently and especially not on the basis of the eligibility criteria. The criteria relating to higher rate Disability Living Allowance and those with walking difficulties who do not receive DLA are intended to mirror each other as far as possible. Those who do not receive DLA should not be viewed as having a lesser disability as this is not the case.
- 4.4 As stated in the 'Rights & Responsibilities' booklet that accompanies the Blue Badge, the Blue Badge Scheme does not automatically apply in local authority car parks. It is entirely discretionary whether Local Authorities charge disabled motorists for parking.
- 4.5 Disabled Motoring Organisations generally accept that, provided ticket machines are accessible or there are other payment options (e.g. mobile phone payment), the charging of Blue Badge holders is fair and equitable. However, they insist that charging Blue Badge holders the same as other motorists is discriminatory because disabled people often take longer to get around a town centre because of their mobility problems. These organisations advocate a parking policy that allows blue badge holders extra time.
- 4.6 Section 149 of the Equalities Act 2010 requires Councils to have due regard to a number of factors, one of which is to take account of disabled people's disabilities – even where that involves treating disabled people more favourably.
- 4.7 In assessing the representations received it is nevertheless concluded, taking account of the DfT advice, that all vehicles displaying a blue badge are charged for using the parking facilities, but that all blue badge holders be granted a one hour concession beyond the expiry time printed on their ticket.

**5 DISCUSSION – SATURDAY AFTERNOON CHARGES**

- 5.1 The proposal to reintroduce charges on Saturday afternoons resulted in the greatest number of objections to the proposed Parking Order, with the concerns primarily focussing on the car parks in Rayleigh.
- 5.2 Of most concern to objectors was the possible impact of Saturday afternoon charges on trading in the town centres and that being the case, Members will

need to determine whether this element of the proposed Parking Order should be retained.

## **6 RISK IMPLICATIONS**

- 6.1 For the Blue Badge tariff changes, reputational risk from a breach of the Equalities Act 2010 and subsequent Local Government Ombudsman investigation or private prosecution.
- 6.2 For Saturday afternoon charging, there is also a reputational risk for the Council given that Saturday afternoon parking has been free for a long period of time. There might also be a significant level of resistance to payment and using the car parks resulting in a trading loss for local businesses.

## **7 RESOURCE IMPLICATIONS**

- 7.1 It is estimated that charging for Saturday afternoon parking would result in income of between £62,500 and £65,000. If Members determine not to proceed with the charges, taking account of the objections to the Parking Order, there would be a resultant gap in the budget to be filled.

## **8 LEGAL IMPLICATIONS**

- 8.1 Following consideration of the objections, Members can decide whether to proceed with the changes to the Parking Order in whole or in part. Whatever decision is reached, an advertisement must be placed in the press for a period of 14 days, providing details of the final Parking Order. There is no requirement to consider any further representations and the only recourse to challenge the Order would be by way of a Judicial Review.
- 8.2 If the Order is advertised as soon as possible it is anticipated the agreed changes can be implemented in early August.

## **9 EQUALITY AND DIVERSITY IMPLICATIONS**

- 9.1 The equality implications related to Blue Badge holders have been considered in the report, taking account of advice from DfT.

## **10 RECOMMENDATION**

- 10.1 It is proposed that Council **RESOLVES**
  - (1) To agree the revisions to the tariff change for Blue Badge holders, and the introduction of a one hour concession beyond the expiry time printed on their ticket.
  - (2) Determine whether to introduce car parking charges on Saturday afternoons.

- (3) To agree all the remaining proposed changes to the Parking Order including the tariff revisions and adjustment to the charging period in Old Ship Lane, Rochford.



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**Background Papers:-**

None.

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